

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KHALID MOHAMMAD,

Plaintiff,

v.

Case No. 14-cv-170 JCH/GBW

ALLAN BANKS, *Chief of Albuquerque
Police Department, et al.,*

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

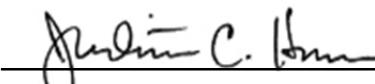
THIS MATTER is before the Court on the Magistrate Judge's Report and Recommendations (*doc. 31*) regarding Defendant Ramon Rustin's Motion to Dismiss Plaintiff's Claims and Supporting Memorandum (*doc. 23*) and Plaintiff's Motion to Amend the Complaint (*doc. 25*). Neither party has filed objections to the PFRD, and, upon review of the record, I concur with the Magistrate Judge's findings and recommendations.

Wherefore, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendations (*doc. 31*) is ADOPTED. Plaintiff's Motion to Amend (*doc. 25*) is hereby DENIED and Defendant's Motion to Dismiss Plaintiff's original Complaint (*doc. 23*) is GRANTED.

IT IS FURTHER ORDERED that Defendant Banks is hereby DISMISSED pursuant to 28 U.S.C. § 1915(e).

IT IS FURTHER ORDERED that Plaintiff has fourteen days (14) to amend his complaint to identify by name the defendant members of the Metropolitan Detention Center (MDC) staff that he intends to sue. Should Plaintiff fail to do so, his claims against MDC staff will be dismissed.

IT IS FURTHER ORDERED that the United States Marshal shall serve a copy of the Summons and Complaint on Defendant Harold Sennett at the address provided by Plaintiff in his Complaint (*doc. 1*).



UNITED STATES DISTRICT JUDGE